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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,268	02/24/2000	Makiko Mori	862.C1847	5969
5514	7590	07/12/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/512,268	MORI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Trang U. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## Disposition of Claims

4)  Claim(s) 1-3,5-11 and 13-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,5-11 and 13-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 5-11, and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 17 is rejected under 35 U.S.C. 101 because claim 17 is directed to a computer program product.

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are neither physical "things" nor statutory processes. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). See MPEP 2106.IV.B.1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5-6, 8-10, 13-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Watanabe Yoshinao* (JP Publication No. 06-062346) in view of

Kim (US Patent No. 6,172,719 B1) and further in view of Bowden, III et al (US 2003/0086685).

In considering claim 1, Watanabe Yoshinao discloses all the claimed a television system having a terminal (elements 3-4 and 7-8) for receiving a television program, and outputting a signal including at least a pair of video and acoustic signal, and an image display device (elements 5 and 6) connected to the terminal for receiving the signal from the terminal and displaying a corresponding image comprising 1) the claimed first detection means, arranged in the image display device, for detecting a first ambient environment around the image display device is met by volume sensor 9 (volume sensor 9, the abstract), 2) the claimed transmission means for transmitting a change of the first ambient environment detected by said first detection means to the terminal is met by the volume sensor (volume sensor 9, the abstract), and 3) first adjustment means, arranged in the terminal, for adjusting a first characteristic of the image display device based on the transmitted change is met by the volume control circuit 7 (the volume control circuit 7, the abstract).

However, Watanabe Yoshinao does not specifically discloses the claimed that the image display device is connected to the terminal with a connection cable; second detection means, arranged in the image display device, for detecting a second ambient environment around the image display device; second adjustment means, arranged in the image display device, for adjusting a second characteristic of the image display device based on a change of the second ambient environment detected by said second detection means; and that the transmission means transmits the change of the first

ambient environment detected by said first detection means to the terminal through the connection cable.

Kim teaches an automatic color temperature control device having the claimed second detection means, arranged in the image display device, for detecting a second ambient environment around the image display device (the chromaticity sensing section 21 for sensing environmental brightness and color of the appliance disclosed from col. 4, line 40 to col. 5, line 27 or the temperature sensing section 28 for sensing a environmental temperature of the appliance disclosed from col. 4, line 40 to col. 5, line 27) and second adjustment means, arranged in the image display device, for adjusting a second characteristic of the image display device based on a change of the second ambient environment detected by said second detection means (the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display disclosed col. 5, lines 48-62 or the white point control section 26 which controls the respective levels of the RGB primary color signals disclosed from col. 5, line 1 to col. 6, line 42).

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the automatic color temperature control device as taught by Kim into Watanabe Yoshinao's system in order to automatically control the color temperature of a picture displayed on a screen so that a refresh feeling is given from the displayed picture when the environmental temperature of the appliance is high, while a warm feeling is given from the displayed picture when the environmental temperature is low.

The proposed combination of Watanabe Yoshinao and Kim does not specifically disclose that the image display device is connected to the terminal with a connection cable and that the transmission means transmits the change of the first ambient environment detected by said first detection means to the terminal through the connection cable.

Bowden, III et al teaches IEEE 1394 High Performance Serial Bus can be used to couple various electronic components (page 1, paragraph #0014 and page 2, paragraph #0021).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the IEEE 1394 High Performance Serial Bus as taught by Bowden, III et al into Watanabe Yoshinao's system in order to increase the data transmission speed because IEEE 1394 has high transmission speed.

In considering claim 2, the claimed wherein said first and second adjustment means performs an adjustment operation when the detection result of said first and second detection means change not less than a predetermined degree is met by the referred to as "nature eyes" or "nature sensor" (col. 6, lines 20-42 of Kim).

In considering claim 5, the claimed wherein said first detection means detects a change in brightness, and said first adjustment means performs an adjustment operation corresponding to a change in ambient brightness is met by the chromaticity sensing section 21 and the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 4, line 40 to col. 6, line 42 of Kim).

In considering claim 6, the claimed wherein said second detection means detects a change in ambient color temperature, and said second adjustment means performs a color temperature adjustment operation is met by the temperature sensing section 28 and the white point control section 26 which controls the respective levels of the RGB primary color signals (Fig. 2, col. 4, line 40 to col. 6, line 42 of Kim).

In considering claim 8, the claimed wherein an adjustment result of said second adjustment means is informed to the terminal is met by the control signals outputted from the microprocessor 22 for controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7 of Kim).

Claims 9-10 are rejected for the same reason as discussed in claims 1-2, respectively.

Claims 13-14 are rejected for the same reason as discussed in claims 5-6, respectively.

Claim 16 is rejected for the same reason as discussed in claim 8.

Claim 17 is rejected for the same reason as discussed in claim 1.

Claim 18 is rejected for the same reason as discussed in claim 1.

In considering claim 19, the claimed wherein the adjustment operation is a contrast adjustment operation is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62 of Kim).

Claim 20 is rejected for the same reason as discussed in claim 19.

6. Claims 3, 7, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe Yoshinao (JP Publication No. 06-062346) in view of Kim (US Patent No. 6,172,719 B1), Bowden, III et al (US 2003/0086685), and further in view of Shirayanagi Isao et al (JP Publication No. 10-262198 A).

In considering claim 3, the combination of Watanabe Yoshinao, Kim, and Bowden, III et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed further comprising third detection means, arrange in the terminal, for detecting a third ambient environment around the terminal, wherein said first adjustment means adjusts the first characteristic based on the transmitted change and a change of the third ambient environment detected by said third detection means. Shirayanagi Isao et al teach that the open/close switch 17 is provided at a side passage 16 which is connected to the attenuator 15 in parallel, the open/close switch 17 is closed by a signal transmitted from the detection switch 33 when the receiver 32 is unhooked, a voice signal is transmitted to a speaker 14 via the attenuator 15 so as to reduce or eliminate a voice level (see abstract). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the detection switch as taught by Shirayanagi Isao et al into the combination of Watanabe Yoshinao and Kim and Bowden, III et al's system in order to eliminate inconvenience to adjust the volume of TV set whenever a phone call is made by providing a volume reducing means for the TV set.

In considering claim 7, the claimed wherein said third detection means detects a busy telephone signal, and said first adjustment means performs a volume adjustment

operation to reduce noise in accordance with said first detection means is met by the open/close switch 17 is provided at a side passage 16 which is connected to the attenuator 15 in parallel, the open/close switch 17 is closed by a signal transmitted from the detection switch 33 when the receiver 32 is unhooked, a voice signal is transmitted to a speaker 14 via the attenuator 15 so as to reduce or eliminate a voice level (see abstract of Shirayanagi Isao et al.).

Claim 11 is rejected for the same reason as discussed in claim 3.

Claim 15 is rejected for the same reason as discussed in claim 7.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT  
July 8, 2005

  
Trang U. Tran  
Examiner